

claim(s) depending from or otherwise including all the limitations of claim 1 will be entitled to examination in the instant application.

Applicant further makes the following species elections:

- (a) a microbial antigen species that is a viral antigen;
- (b) a viral antigen species that is a Hepatitis B viral antigen;
- (c) a species of composition that is an antigen; and
- (d) a route of administration that is a parenteral route.

These species elections are made with the understanding that they are required for examination purposes only and that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

#### **Remarks**

In response to the Restriction Requirement, Applicant has elected Group I and a species of a viral antigen that is a Hepatitis B viral antigen and a parenteral route of administration. This election embraces at least claims 1-8, 12, 13, 17-21, 23, 28, 29, 31, 32 and 44.

This election is made with traverse on the basis that a search and examination of the subject matter of claim 1 (i.e., immunostimulatory nucleic acid comprising a nucleotide sequence of SEQ ID NO:1), which is common to Groups I-III, would not place a serious burden on the Examiner.

Claim 1 and the claims of Groups V-VIII are related as product and process of use. Accordingly, Applicant requests rejoinder of Group V, VI, VII and/or VIII should claim 1 be found allowable, provided that the claims of Group V, VI, VII and/or VIII depend from or otherwise recite all the limitations of the allowable product claim.

Having made this election, Applicant expressly reserves the right to file one or more divisional applications on the subject matter of the unelected claims (e.g., should claim 1 not be found allowable).

**Summary**

If the Examiner has any questions and believes that a telephone conference with Applicant's representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 646-8266.

Respectfully submitted,



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